

REMARKS

In the final Office Action,¹ the Examiner rejected claims 1-9 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2002/0125993 to Gutta et al. ("*Gutta*") in view of U.S. Patent No. 5,990,885 to Gopinath ("*Gopinath*").

Applicants respectfully traverse the rejection under 35 U.S.C. § 103(a).

Independent claim 1, as amended, recites an electronic device controlling apparatus comprising "storing means for storing . . . priority information" and "controlling means for, based on . . . the priority information . . . , causing the communication unit to transmit a control signal to the electronic devices." *Gutta* fails to disclose at least the storing means and the controlling means of claim 1.

The Examiner argues that *Gutta* discloses storing priority information in paragraphs 0034 and 0035. See Office Action, p. 5. However, *Gutta* discloses, "data characteristic of the individual, such as the individual's facial image or speech pattern." *Gutta*, para. 0034. *Gutta* further discloses, "the message would be instructed to be delivered to an individual only if . . . the detected individual is the individual corresponding to the tag identifier." *Gutta*, para. 0035. These and other portions of *Gutta* are completely silent with respect to any "priority information," as recited in claim 1. Therefore, *Gutta* fails to disclose the storing means of claim 1.

Furthermore, the Examiner argues that *Gutta* discloses the controlling means of claim 1 in paragraphs 0032 and 0035. See Office Action, p. 3. *Gutta* discloses, "[a]

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

comparing means 110 would . . . compare the detected individual to the data characteristics of each person in the group of individuals. If a match exists . . . , the player 106 would be instructed . . . to deliver the message to the detected individual.” *Gutta*, para. 0032. However, *Gutta* does not disclose instructing the player 106 based on any “priority information,” as recited in claim 1. Therefore, *Gutta* fails to disclose the controlling means of claim 1.

For at least the reasons given above, *Gutta* fails to teach or suggest each and every element of claim 1. Furthermore, *Gopinath* fails to cure the noted deficiencies of *Gutta*. Therefore, *Gutta* and *Gopinath*, taken alone or in any reasonable combination, fail to teach or suggest each and every element of claim 1.

Furthermore, independent claims 4 and 7, although different in scope from claim 1, distinguish over *Gutta* and *Gopinath* for at least the same reasons as claim 1. In addition, dependent claims 2, 3, 5, 6, 8, and 9 are allowable over *Gutta* and *Gopinath* at least by virtue of their dependence from allowable base claims 1, 4, and 7. The rejection of claims 1-9 under 35 U.S.C. § 103(a) thus should be withdrawn.

Applicants respectfully request the Examiner to enter this Amendment under 37 C.F.R. § 1.116, placing claims 1-9 in condition for allowance. Applicant submits that the proposed amendments of claims 1-9 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this Amendment should allow for immediate action by the Examiner.

Applicants further submit that the entry of the amendments would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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